

53A-18-107 Requirement to conduct seismic safety evaluations when issuing a bond.

- (1) As used in this section:
 - (a) "Federal guidelines" means guidelines and procedures specified in "Rapid Visual Screening of Buildings for Potential Seismic Hazards: A Handbook, 2nd Edition" published by the United States Federal Emergency Management Agency.
 - (b) "Qualifying general obligation bond" means a bond:
 - (i) issued pursuant to Title 11, Chapter 14, Local Government Bonding Act; and
 - (ii) authorized by an election held on or after July 1, 2013.
 - (c) "Seismic safety evaluation" means a seismic safety rapid visual screening evaluated in accordance with federal guidelines or a more detailed seismic structural evaluation.
- (2) If a school district issues a qualifying general obligation bond, the school district shall:
 - (a) except as provided in Subsection (4), conduct or update a seismic safety evaluation of each school district building:
 - (i) constructed before 1975; and
 - (ii) used by the school district as a school; and
 - (b) provide a copy of a seismic safety evaluation prepared under Subsection (2)(a) to the Utah Seismic Safety Commission created in Section 63C-6-101.
- (3) A seismic safety evaluation conducted under Subsection (2) shall be conducted by a licensed structural engineer familiar with seismic codes.
- (4) A school district is not required to conduct or update a seismic safety evaluation of a building as required in Subsection (2)(a) if:
 - (a) a seismic safety evaluation was performed on the building within the 25-year period before the school district issues the qualifying general obligation bond; and
 - (b) the school district provides a copy of the school district's seismic safety evaluation described in Subsection (4)(a) to the Utah Seismic Safety Commission.
- (5) Creation of a seismic safety evaluation of a school, or a list of schools needing seismic upgrades, shall not be construed as expanding or changing the state's or a school district's common law duty of care for liability purposes.

Enacted by Chapter 356, 2013 General Session